

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CLEVE BOYD,

Plaintiff

V.

**MICHAEL J. ASTRUE,
Commissioner of Social
Security Administration,**

Defendant

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§
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No. 5:07CV190

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's Unopposed Motion to Remand (Dkt. No. 9) is **GRANTED**.

It is further

ORDERED that the above-captioned matter is remanded to the Commissioner, pursuant to the fourth sentence of 42 U.S.C. § 405(g), for the purpose of reversing the Commissioner's May 24, 2007, decision denying Plaintiff's application for disability insurance benefits. It is further

ORDERED that on remand, the Appeals Council will instruct an Administrative Law Judge ("ALJ") to further consider the Global Assessment of Functioning Scores in the record; to consider

the 90 percent service-connected disability assessed by the Department of Veterans Affairs; to consider Plaintiff's obesity including an assessment of the impact that obesity has upon Plaintiff's ability to perform work-related abilities; and to obtain supplemental testimony from a vocational assessment. It is further

ORDERED that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

SIGNED this 30th day of June, 2008.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE